

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

**SETTLEMENT CLASS COUNSEL’S THIRD
SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF SECOND AMENDED CLASS SETTLEMENT**

Settlement Class Counsel submits this third supplement pursuant to the Court’s September 17, 2018 Order (Dkt. 527).¹

Pursuant to the docket entry dated August 1, 2017, the deadline for Settlement Class Members (except Settlement Class Members from Frostburg State University, Residual Settlement Class Members,² and Remaining Settlement Class Members³) to object to or opt-out of the Settlement was September 15, 2017. Class Counsel responded to those objections on September 29, 2017.

¹ Unless otherwise defined, capitalized terms have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the joint motion for preliminary approval filed with the Court on May 20, 2016. *See* Second Am. Settlement Agt. (Dkt. 266-1).

² After discovering the error that impacted Settlement Class Members who attended Frostburg State University, the Notice Administrator conducted an audit of the direct notice portion of the notice program, which resulted in the discovery of 74,706 records for which notice was inadvertently not sent (“Residual Settlement Class Members”). Notice was later sent to Residual Class Members, pursuant to the directive of the Court embodied in its March 9, 2018 Order. *See* Minute Order (Dkt. #498).

³ The parties engaged Monument Economics Group in July 2018 to conduct an independent audit of the direct notice portion of the Notice Program, which resulted in the discovery of 6,575 records for which notice was inadvertently not sent or not re-mailed once returned as undeliverable (“Remaining Settlement Class Members”).

Pursuant to the Order dated November 13, 2017 (Dkt. 481), the deadline for Settlement Class Members from Frostburg State University (who received blue-colored notices) to object to or opt-out of the Settlement was January 16, 2018. Just one comment was received. Class Counsel responded to that comment on January 30, 2018.

Pursuant to the Order dated March 9, 2018 (Dkt. 498), the deadline for Residual Settlement Class Members (who received yellow-colored notices) to object to or opt-out of the Settlement was June 8, 2018. No additional objections or comments were filed or delivered.

Pursuant to the Order dated September 17, 2018 (Dkt. 527), the deadline for the Remaining Settlement Class Members (who received pink-colored notices) to object to or opt-out of the Settlement was December 7, 2018. No additional objections or comments were filed or delivered.

WHEREFORE, Settlement Class Counsel respectfully requests that the Court grant the Motion for Final Approval of the Second Amended Settlement.

Date: December 19, 2018.

Respectfully submitted,

By: /s/ Steve W. Berman

Steve W. Berman

steve@hbsslaw.com

Christopher P. O'Hara

chriso@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO LLP

1918 Eighth Avenue, Suite 3300

Seattle, WA 98101

206.623.7292

Fax: 206.623.0594

Elizabeth A. Fegan

beth@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO LLP

455 N. Cityfront Plaza Dr., Suite 2410

Chicago, IL 60611

708.628.4949

Fax: 708.628.4950

Settlement Class Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on December 19, 2018, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman
Steve W. Berman